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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/542,818

07/20/2005

George Wegler

517.1176USN

8671

33369 7590 01/21/2009  
FASTH LAW OFFICES (ROLF FASTH)  
26 PINECREST PLAZA, SUITE 2  
SOUTHERN PINES, NC 28387-4301

EXAMINER

SPAHN, GAY

ART UNIT

PAPER NUMBER

3635

MAIL DATE

DELIVERY MODE

01/21/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Notice of Abandonment</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/542,818	WEGLER, GEORGE	
	<b>Examiner</b>	<b>Art Unit</b>	
	Gay Ann Spahn	3635	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 20 February 2008.
  - (a) ☒ A reply was received on 15 July 2008 (with a Certificate of Mailing or Transmission dated 10 July 2008), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on 20 May 2008.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☐ No reply has been received.
  
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
  
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
  
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
  
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
  
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
  
7. ☒ The reason(s) below:  
  
See continuation sheet.

/Gay Ann Spahn/  
Gay Ann Spahn, Primary Examiner  
January 17, 2009

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Continuation of Box 7: The examiner notes that the inventor George Wegler filed an "Amendment" with Certificate of Transmission/Mailing on 10 July 2008 which was received in the United States Patent and Trademark Office on 15 July 2008. The "Amendment" was filed more than one month after the shortened statutory three month period set in the Non-Final Office Action mailed on 20 February 2008 and therefore, required the payment of a two month extension of time. Since the two month extension of time was not paid, the "Amendment" filed on 10 July 2008 did not constitute a proper reply or a bona fide attempt at a proper reply and thus, the present application is abandoned. In addition, the examiner notes that the inventor George Wegler was represented by counsel, namely, Rolf Fasth of Fasth Law Offices, 26 Pinecrest Plaza, Suite 2, Southern Pines, North Carolina 28387-4301. Since the inventor did not file a revocation of power of attorney removing Mr. Fasth as counsel and naming himself as a pro se inventor, the United States Patent and Trademark Office cannot accept an "Amendment" from an inventor who was represented by counsel at the time of the filing of the "Amendment" by the inventor and thus, the "Amendment" filed by the inventor did not constitute a proper reply or a bona fide attempt at a proper reply and thus, the present application is abandoned.

/Gay Ann Spahn/  
Gay Ann Spahn, Primary Examiner  
January 17, 2009